

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: ORDER
v. :
: S4 23 CR 468 (VB)
DWAYNE JOHNSON, :
Defendant. :
-----x

USDC SDNY
DOCUMENT
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On April 10, 2025, the government informed the Court and counsel that it intended to seek a superseding indictment charging defendant Johnson with murder by firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(j). On June 3, 2025, a superseding indictment (the “S4 indictment”) was filed, which includes a Section 924(j) count. (Doc. #117). Section 924(j) carries the potential for capital punishment.

By letter dated April 18, 2025, defendant’s current CJA attorney, Richard D. Willstatter, Esq., advised the Court that, if charged with a capital-eligible offense, his client would exercise his right to the appointment of a lawyer from the CJA Capital Case Panel. In that event, because Mr. Willstatter is not a member of the Capital Case Panel, Mr. Willstatter requested that he be relieved and that a member of the Capital Case Panel be appointed as Lead Counsel in his place.

Upon the recommendation of the Federal Defenders’ office, and pursuant to the S.D.N.Y. Policy Governing Appointment of CJA Counsel in Capital Cases, the Court intends to appoint Matthew Kluger, Esq., as Lead Counsel, and Karloff Commissiong, Esq., as Learned Counsel, for defendant Johnson. See 18 U.S.C. § 3005.

The Court has been advised that both Mr. Kluger and Mr. Commissiong are available and do not have any conflicts.

The Court previously scheduled a pretrial conference for **June 11, 2025, at 9:45 a.m.** At that time, the Court intends to arraign defendant on the S4 indictment, relieve Mr. Willstatter as defendant’s attorney, and appoint Messrs. Kluger and Commissiong as indicated above. Messrs. Willstatter, Kluger, and Commissiong are directed to attend the arraignment on June 11.

Dated: June 5, 2025
White Plains, NY

SO ORDERED:



Vincent L. Briccetti

United States District Judge